



110TH CONGRESS  
2D SESSION

# H. R. 5125

To amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2008

Mr. ISRAEL (for himself and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MEDICARE ADVANTAGE BENCHMARK ADJUST-**  
2 **MENT FOR CERTAIN LOCAL AREAS WITH VA**  
3 **MEDICAL CENTERS AND FOR CERTAIN CON-**  
4 **TIGUOUS AREAS.**

5 Section 1853(k) of the Social Security Act (42 U.S.C.  
6 1395w-23(k)) is amended—

7 (1) in paragraph (1), in the matter preceding  
8 subparagraph (A), by striking “paragraph (2)” and  
9 inserting “paragraphs (2) and (4)”; and

10 (2) by adding at the end the following new  
11 paragraph:

12 “(4) **ADJUSTMENT FOR CERTAIN MA LOCAL**  
13 **AREAS WITH VA MEDICAL CENTERS AND FOR CER-**  
14 **TAIN CONTIGUOUS AREAS.**—

15 “(A) **IN GENERAL.**—In applying paragraph  
16 (1) for plan year 2009 and subsequent plan  
17 years, in the case of a targeted MA local area  
18 described in subparagraph (B) that is contig-  
19 uous to one MA local area described in sub-  
20 paragraph (C), if the applicable amounts deter-  
21 mined under such paragraph for such areas for  
22 a year are not equal, the applicable amount de-  
23 termined under such paragraph for each of  
24 such areas for the year shall be deemed to be  
25 the greater of such amounts.

“(B) TARGETED MA LOCAL AREA.—For purposes of subparagraph (A), a targeted MA local area is a county—

“(i) that has within its boundaries a facility that is an academic medical center of the Department of Veterans Affairs; and

“(ii) for which the payment amount under this section for each of 2004, 2005, and 2007 was determined using the amount specified under subsection (c)(1)(D) for such area for such year.

“(C) CONTIGUOUS MA LOCAL AREA.—For purposes of subparagraph (A), an MA local area described in this subparagraph is a county that—

“(i) does not have within its boundaries a facility described in subparagraph (B)(i); and

“(ii) meets the criteria described in subparagraph (B)(ii).”.

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